REMARKS/ARGUMENTS

Claims 1-31 are pending in the present application. The Office Action mailed June 14, 2006 rejected claims 1-31 under 35 U.S.C. § 103(a). Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

Support for the above amendments may be found throughout Applicants' specification and drawings. For purposes of example, Applicants respectfully refer the Examiner to paragraphs [47]-[48], [52] and [79] of Applicants' specification, and to Figures 1-2.

Rejection of Claims 1-31 Under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-31 under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,499,054 (hereinafter, "Hesselink") in view of U.S. Patent No. 6,028,412 (hereinafter, "Shine"). This rejection is respectfully traversed.

The M.P.E.P. states that

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

> The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not disclose, teach or suggest all of the limitations in these claims.

There are three independent claims at issue: claims 1, 11 and 22. Claims 1, 11 and 22 will be referred to collectively herein as the "independent claims."

Hesselink does not teach or suggest "establishing frequency-based, real-time electronic communications over a network between the host[1] device and a controlled device," as recited in the independent claims. Hesselink relates generally to "remote control of physical processes in a laboratory." Hesselink, col. 1, lines 9-10. However, the control network in Hesselink is not configured for "frequency-based, real-time electronic communications," as recited in claim 1. Hesselink indicates that the control network operates in accordance with the TCP/IP protocol. See id., col. 4, lines 56-63. The TCP/IP protocol is a collision-based packet sending protocol. In other words, messages are broadcast to recipients, but if packet collisions occur (i.e., the messages are not received by the recipient device), they are re-broadcast by the broadcasting device. Accordingly, the control network in Hesselink is not designed for "frequency-based, real-time electronic communications" as required by the independent claims.

Applicants acknowledge that Hesselink refers to "[o]bserving physical processes in real-time via the Internet." Hesselink, col. 10, lines 2-3. However, even though Hesselink uses the term "real-time," Hesselink is not referring to the "frequency-based, real-time electronic communications over a network" recited in claim 1. One of ordinary skill in the art would interpret the term "real-time" in Hesselink to mean "current time" or "near time," with minor delay(s) in observing or interacting with the controlled devices. In contrast, the independent claims recite that "electronic communication between the host device and the controlled device always occurs at an assigned control frequency." The "frequency-based, real-time electronic communications" recited in claim 1 are not possible if the standard TCP/IP protocol is used.

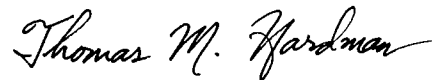[1] Claims 11 and 22 recite "computing device" instead of "host device."

Shine also does not teach or suggest "establishing frequency-based, real-time electronic communications over a network between the host device and a controlled device," as recited in the independent claims. In fact, Applicants cannot find any teaching in Shine related to electronic communication between a host device and a controlled device over a network.

Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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